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* Mr. A. RANGANATHA MUDALIYAR :—" Before I give my vote I should like to know from the Government where we stand regarding the construction of building the headquarters and other necessary structures. Hon. Members of this House may remember that more than a year ago Government said that plans and estimates for the necessary headquarters were under scrutiny. Subsequently the Vice-Chancellor and other authorities concerned had had interviews with His Excellency the Governor and the hon. Minister for Education. Now we are being treated to a series of Bills the effect of which it is difficult to forecast. I should like to know whether Government are going to stay their hands entirely in this matter or whether they are going to issue directions, tentative though they might be, as to where the headquarters are to be situated."

* The hon. Dr. P. SUBBARAYAN :—" I think the hon. Member knows quite as well as I do that the Government will take no steps with regard to the building of the headquarters till a decision has been arrived at in this Council. I was rather surprised that the hon. Member should rise and demand from me an answer. I can assure him that Government will take no steps in this matter till the Council has come to a decision on this matter."

The motion for adjournment was put to vote and carried.

IV

A BILL TO AMEND THE MALABAR WILLS ACT, 1898.[a]

* Mr. MAHMUD SCHAMNAD SAHIB :—" Sir, I beg to present the report of the Select Committee appointed to consider the Bill to amend the Malabar Wills Act, 1898, and move that the Bill as amended by the Select Committee be taken into consideration. Sir, this Bill seeks to make Muhammadan law applicable to the wills executed by the Mappillas governed by Marumakkattayam law. These Mappillas are living in the North Malabar and in a portion of South Kanara. It is simply islamising some of the customs prevailing among these Mappillas. This matter was referred to the Collectors of Malabar and South Kanara and they are in favour of it. The Collector of Malabar says: 'I have consulted sixteen individual Mappillas and two Muhammadan Associations and have received in reply eight opinions. They are all in favour of legislation of the kind intended by the Bill. Briefly stated the grounds on which the legislation is advocated are: (1) In view of the Mappilla Succession Act, 1918, which brought the law of intestate succession among Marumakkattayam Mappillas into line with Muhammadan law, it is anomalous and improper that it should remain permissible to this class of Mappillas to make testamentary dispositions that violate the principles of Muhammadan law'."

The RAJA OF RAMNAD :—" I rise to a point of order. The hon. Member is reading his speech."

* Mr. MAHMUD SCHAMNAD SAHIB :—" I am reading the opinion of the Collector. (Laughter.) The second reason adduced by the Collector is 'The present state of the law in regard to wills exposes Marumakkattayam Mappillas to adverse criticism and even ridicule on the part of other Muhammadans.' The third reason in favour of the proposed legislation is 'the proposed legislation (it is said) only gives effect to the original intentions of those who promoted the passing of the Mappilla Succession Act'.

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a Published in the *Fort St. George Gazette* on 8th November 1927—printed as Appendix on pages 62–63 infra.

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All enlightened Mappillas of North Malabar are reported to be in favour of the legislation. In the end the Collector says 'legislation (whatever form it may take) designed to give effect to the object which the author of the present Bill has in view will meet with a very large measure of support from the community affected by the Bill. I therefore support the proposal to legislate on these lines.'

"The Collector of South Kanara says 'the general opinion is that the proposed amendment is necessary and may be accepted . . . The proposed amendment is only intended to give effect to the provisions of the Muhammadan law relating to the power of testamentary disposition and therefore seems to me to be unobjectionable.' For these reasons I beg to move the motion."

* The hon. the PRESIDENT :—"The question is that the Bill to amend the Malabar Wills Act be taken into consideration."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR :—"Mr. President, Sir, 11-15 a.m. I just want to say a few words in order to remove any possible doubt that might be entertained in the application of the Act. The words 'all Mappillas governed by the Marumakkattayam or Aliyasantana law of inheritance' have been borrowed from the Mappilla Succession Act, 1918. The Act applies not to the tarwad property owned by such Mappillas, the tarwad property being governed by Marumakkattayam or Aliyasantana law of inheritance, but only to the separate property of a Mappilla including cases where the Mappilla concerned happens to be, so to speak, the last of the race. The tarwad property to which he has become solely entitled could not be ordinarily said to be the property of the Mappilla concerned. The scope both of the Mappilla Succession Act as well as this Act is confined to cases of separate property at the absolute disposal of the Mappilla concerned or of the tarwad property which becomes solely his be being the last surviving member of the tarwad. I think this particular explanation of mine may be useful to clear up the ground when the construction of the phrase, which occurs not only in this Act, but also in the prior Act of 1918, comes before the courts for discussion. With these observations I beg to support the motion."

The motion was put to the House and adopted.

Clauses 1, 2 and 3 were separately put to the House and carried.

The clauses were allowed to stand part of the Bill. The preamble was put to the House and carried ; and it was allowed to stand part of the Bill.

Mr. MAHMUD SCHAMNAD SAHIB :—"I move that the Bill be passed into law."

* Rao Bahadur C. V. ANANTAKRISHNA AYYAR : —"I second it."

The question that the Bill be passed into law was put to the House and carried, and the Bill was passed into law.

V

A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT[a], THE MADRAS LOCAL BOARDS ACT, AND THE MADRAS GENERAL CLAUSES ACT.

Mr. J. A. SALDANHA :—"The object of this Bill is to define what is meant by the term 'public' as applied to public streets, roads, etc. The term 'public' is used . . ."

a Published in the *Fort St. George Gazette* on 21st February 1928.